

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

vs.

Case No. 8:03-CR-77-T-30TBM

GHASSAN ZAYED BALLUT

**DEFENDANT GHASSAN BALLUT'S COUNSEL'S MOTION FOR LEAVE
TO BE ABSENT FROM TRIAL ON JUNE 9, 2005 AND MEMORANDUM OF LAW**

The undersigned counsel for the Defendant, GHASSAN ZAYED BALLUT, hereby requests leave from the Court to be absent from the trial of this cause on Thursday, June 9, 2005, and as grounds therefor states:

1. The Defendant's undersigned counsel is required to appear as sole trial counsel for the defendant in the case of State of Florida vs. Dmitry Shamootin, Case Number CRC 04-10763CFANO, in the Circuit Court in and for Pinellas County, Florida, for jury trial scheduled to commence at 8:30 a.m. on Thursday, June 9, 2005, which is expected to last one day.
2. The paralegal assigned to the representation of the Defendant, Brooke Elvington, is a member of the bar of this Court, is filing a limited notice of appearance in this case, and is prepared to stand in as counsel for the Defendant for all purposes throughout the day on June 9, 2005.
3. The Defendant has been fully informed of this arrangement and agrees and assents to it.
4. The undersigned counsel does not anticipate any further requests for absence from the trial in this cause for the foreseeable future.

WHEREFORE, the Defendant's undersigned counsel requests leave to be absent from the

trial of this cause on Thursday, June 9, 2005.

Memorandum of Law

At the pretrial conference in this cause, the Court announced that requests for temporary absence from trial by counsel would be granted for good cause. The Defendant's undersigned counsel is obligated to appear for trial in the Circuit Court of Pinellas County, said trial having already been continued twice on the motion of the Defendant. The undersigned counsel has made suitable arrangements for the temporary substitution of counsel for one day on June 9, 2005, with the permission of the Defendant by Brooke V. Elvington, a member of this Court and an experienced criminal trial attorney who is highly conversant with the evidence and issues in this case.

Respectfully submitted,

/s Bruce G. Howie

Bruce G. Howie

Florida Bar No. 263230

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Certificate of Service

I HEREBY CERTIFY that on June 5, 2005, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

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